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17	Attorneys for MACKENZIE ANNE THOMA, on behalf of herself
18	and all others similarly situated
19	
20	UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA
21	WESTERN DIVISION
22	
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MACKENZIE ANNE THOMA,
a.k.a. KENZIE ANNE, an
individual and on behalf of all
others similarly situated,

Plaintiff,

||v.

VXN GROUP, LLC, a Delaware limited liability company; MIKE MILLER, an individual; and DOES 1 to 100, inclusive,

Defendants.

Case No. 2:23-cv-04901 WLH (AGRx)

## JOINT APPENDIX OF OBJECTIONS REGARDING VXN GROUP, LLC and MIKE MILLER'S MOTION FOR SUMMARY JUDGMENT

[Filed concurrently with: (1) Notice of Motion and Motion for Summary Judgment; (2) Joint Brief; (3) Joint Appendix of Facts (Vol. I-IV); (4) Joint Appendix of Objections; and (5) Proposed Order]

Date: February 28, 2025

Time: 11:00 a.m.

Courtroom: 9B

1	<u>Objector</u>	<b>Evidence</b>	Objection (O)/Response	Ruling
2	<u> </u>	<u> </u>	( <u>R)</u>	
3	Plaintiff	Exhibit 44	Plaintiff objects to the	S/O
4			extent that this Exhibit	
5			reveals private financial	
6			information from Plaintiff.	
7			Additionally, the unredacted	
8			information gives rise to	
9			serious security and privacy	
10			concerns for Plaintiff. Thus,	
11			Plaintiff asks that this	
12			Exhibit be filed under seal	
13			and not be made public	
14			information.	
15			R: Defendants will move to	
16			file under seal.	
17		Exhibit 46	Plaintiff objects to the	S/O
18			extent that this Exhibit	
19			reveals private financial	
20			information from Plaintiff.	
21			Additionally, the unredacted	
22			information gives rise to	
23			serious security and privacy	
24			concerns for Plaintiff. Thus,	
25			Plaintiff asks that this	
26			Exhibit be filed under seal	
27			and not be made public	
28			•	1

JOINT APPENDIX OF OBJECTIONS RE: DEFENDANTS' MSJ

Case 2	23-cv-04901-WLH-AGR	Document 133-7	Filed 01/10/25	Page 4 of 27	Page
		ID #:5486		3	3

1			information.	
2			R: Defendants will move to	
3			file under seal.	
4	D1 : .: cc	E 1212 47	D1 : ('CC 1'	0.70
5	Plaintiff	Exhibit 47	Plaintiff objects to the	S/O
6			extent that this Exhibit	
7			reveals private financial	
8			information from Plaintiff.	
9			Additionally, the unredacted	
10			information gives rise to	
11			serious security and privacy	
12			concerns for Plaintiff. Thus,	
13			Plaintiff asks that this	
14			Exhibit be filed under seal	
15			and not be made public	
16			information.	
17			R: Defendants will move to	
18			file under seal.	
19	Plaintiff	Exhibit 48	Plaintiff objects to the	S/O
20			extent that this Exhibit	
21			reveals private financial	
22			information from Plaintiff.	
23			Additionally, the unredacted	
24			information gives rise to	
25			serious security and privacy	
26				
27			concerns for Plaintiff. Thus,	
28			Plaintiff asks that this	<u> </u>
			2	

Case 2	23-cv-04901-WLH-AGR	Document 133-7	Filed 01/10/25	Page 5 of 27	Page
		ID #:5487		_	

1			Exhibit be filed under seal	
2			and not be made public	
3			information.	
4			R: Defendants will move to	
5			file under seal.	
6				
7	Plaintiff	Exhibit 1;	Lack of Foundation; Lack	S/O
8		Declaration of	of Personal Knowledge	
9		Emilie Kennedy ¶ 4	R: "I know this because I	
10		"Pursuant to Fed. R.	oversee all copyright registrations and I reviewed	
11		Evid. 901(b)(1), I	each of the motion pictures	
12		certify that each of	prior to signing this declaration and	
13		the motion pictures	confirmed they are the same	
14		that Plaintiff filmed	as the deposit copies sent to the	
15		with VXN has	United States Copyright	
16		Plaintiff in a	Office. For the motion pictures that were not	
17		featured role with	released, I reviewed the raw	
18		speaking lines."	footage except as stated below for the production on	
19			7-15-22." Exhibit 1 ¶ 4	
20		Exhibit 1; Declaration	Lack of Foundation	S/O
21		of Emilie Kennedy ¶ 4	,	370
22		"The still photographs are not registered	(FRE 602);	
23		separately because	2) Lack of Personal	
24		they are not intended to be sold separately	Knowledge;	
25		from the motion	3) Assumes Facts Not In	
26		pictures or otherwise commercially used."	Evidence;	
27			4) Improper Opinion	
28			(FRE 701) as to the	
		I	3	1

	Case 2	23-cv-04901-WLH-AGR Document 133-7 Filed 01/10/25 Page 6 of 27 Page ID #:5488
	1	statement "The still
	2	
	3	photographs are not
	4	registered separately
	5	because they are not intended to be sold
	6	
	7	separately from the
	8	motion pictures or
	9	otherwise
	10	commercially used."
	11	Emilie Kennedy is
	12	Defendants' Counsel
1 Blvd 35	13	of Record, not Chief
KANE LAW FIRM S. Crescent Heights Blvd os Angeles, CA 90035	14	Financial Operator,
LAW cent H les, C	15	Chief Executive
	16	Officer, or other
<b>K</b> / 1154 S. Los	17	individual who would
1	18	know about
	19	Defendants' business
	20	strategies and
	21	Defendants'
	22	intentions as to still
	23	photographs.
	24	5) Speculation (FRE
	25	602 and 402):
	26	counsel attempts to
	27	assert what she
	28	believes the reason is
	20	JOINT APPENDIX OF OBJECTIONS RE: DEFENDANTS' MSJ

Case 2 23-cv-04901-WLH-AGR	Document 133-7	Filed 01/10/25	Page 7 of 27	Page
	ID #:5489		_	

1			Defendants did not			
2			separately register			
3			still photographs in			
4			the copyright office.			
5			R: Emilie Kennedy is not			
6			"counsel of record" but			
7			instead General Counsel			
8			and therefore an executive			
9			of VXN who personally			
10			registers all of VXN's			
11			copyrights. Exhibit 1 ¶ 1-5.			
12	Plaintiff	Exhibit 3	1) Irrelevant	S/O		
13	1 idilitiii	Lamon 5		570		
15			R: Relevant to show that			
			Plaintiff had speaking lines			
16			in VXN's movies.			
17	Plaintiff	Exhibit 10; Declaration of Basia	1) Improper Opinion	S/O		
18		Lew¶ 4 "It	(FRE 701) as to the			
19   20		demonstrates the coordination between	statement "It			
20		departments and the	demonstrates the			
22		amount of work, talent, and	coordination between			
23		consideration that is	departments and the			
24		put into creating the final motion pictures,	amount of work,			
25		as well as the	talent, and			
26		collaboration between Plaintiff's team and	consideration that is			
27		VXN."	put into creating the			
28			final motion pictures,			
20	5					

Case 2	23-cv-04901-WLH-A	GR Document 133-7 ID #:5490	Filed 01/10/25	Page 8 of 27	Page
1			as well as	the	
2			collaborati		
3			between P		
4			team and V		
5			Whether o		
6			Defendant		
7			created "m		
8			pictures" d		
9			_	is a matter	
10	of legal contention				
11		that Ms. Lew cannot			
12			opine on.		
13			Additionally,		
14			Defendant		
15			categoriza	tion of	
16			Plaintiff as having a		
17			"team" is a		
18			issue that i	s open to	
19			legal conte	ention and,	
20			once again	, is not	
21			something	Ms. Lew	
22			can opine	on.	
23			R: Ms. Lew is Vi	ce	
24			President of Prod		
25			therefore oversee		
26			production of mo		
27			pictures and is th		
28			pretures and is th	CICIOIC	

Case 2	23-cv-04901-WLF	H-AGR Document 133-7 ID #:5491	Filed 01/10/25 Page 9 of 27	Page
1				
2			most knowledgeable on the	
3			process. She also	
4			coordinated with Plaintiff's	
5			team to ensure all movies	
6			matched Plaintiff's creative	
7			input and standards.	
8			Exhibit 10 ¶¶ 1-3.	
9	   Plaintiff	Exhibit 10; Declaration of Basia	1. Improper Opinion	S/O
10		Lew¶ 8 "During	(FRE 701) as to the	
11		motion picture	statement "During	
12		productions, VXN directors or	motion picture	
13		photographers take	productions, VXN	
14		"stills" which are photographs of actors	directors or	
15		in its movies in	photographers take	
16		character in various positions."	"stills" which are	
17			photographs of actors	
18			in its movies in	
19			character in various	
20			positions." This	
21			statement is an	
22			improper opinion and	
23			misleads the court.	
24			Defendants did more	
25			than just shoot	
26			motion pictures and	
27			stills on days there	
28			were shoots.	

Case 2:23-cv-04901-WLH-AGR	Document 133-7	Filed 01/10/25	Page 10 of 27	Page
	ID #:5492		_	

1			R: Ms. Lew is Vice	
2			President of Production and	
3			therefore oversees VXN's	
4			production of motion	
5			pictures and is therefore	
6			most knowledgeable on the	
7			process. Plaintiff does not	
8			say what else Defendants	
9			shot during shoots.	
10			Exhibit 10 ¶¶ 1-3.	
11	Plaintiff	Exhibit 10;	Improper Opinion	S/O
13		Declaration of Basia Lew¶ 13 "Taking	(FRE 701) as to the	573
14		stills on VXN's	statement "Taking	
15		production set usually accounts for only a	stills on VXN's	
16		small portion of the	production set usually	
17		time spent making the motion picture and it	accounts for only a	
18		is dependent on the	small portion of the	
19		creative direction of the actors and director	time spent making	
20		as they rehearse the	the motion picture	
21		movie. Attached as Exhibit 17 is a true	and it is dependent on	
22		and correct copy of	the creative direction	
23		the shoot schedule from the 4-22-22	of the actors and	
24		Deeper motion	director as they	
25		picture. It demonstrates the	rehearse the movie."	
26		average time it takes to shoot still	Ms. Lew herself	
27		photographs	states that she is only	
28			"often" on set for	
			8	

compared to the overall production."	production, not
overan production.	"always."
	Additionally, only a
	single shoot schedule
	was attached, and as
	Ms. Lew states the
	time spent
	photographing is
	often dependent on
	the director
	him/herself. She
	therefore cannot
	opine on what the
	average time each
	and every shoot
	would focus on still
	photography, as she
	does not have
	personal knowledge
	as to how long each
	and every one of
	these shoots would
	focus on certain
	content.
	2. Lacks Foundation:
	Ms. Lew only
	mentions a single

Cas	e 2:2	3-cv-04901-WLH-AG	R Document 133-7 ID #:5494	Filed 01/10/25 Page 12 of 27 Page
	1			1 1 1 1 6
	2			shoot schedule from a
	3			single shoot. It cannot
	4			be determined if this
	5			is representative of
	6			every single shoot
	7			from this one Exhibit.
	8			3. Speculation (FRE
	9			602 and 402): Ms.
	10			Lew speculates how
	11			long every single
	12			shoot would focus on
	13			still photography
	14			when she was not
	15			present for every
	16			single shoot and
	17			provides no evidence
	18			from every single
	19			shoot. Given that Ms.
	20			Lew admits the
	21			length of time each
	22			shoot would focus on
	23			certain content would
	24			be largely dependent
	25			on the director, she
	26			cannot know how
	27			long every single
	28			shoot would focus on
			1	0

Case 2:23-cv-04901-WLH-AGR	Document 133-7	Filed 01/10/25	Page 13 of 27	Page
	ID #:5495			

1			stills and how much	
2			time would be	
3			dedicated towards the	
4			actual motion	
5			pictures. She is	
6			therefore speculating	
7			on how long	
8			R: Ms. Lew is Vice	
9			President of Production and	
10			therefore oversees VXN's	
12			production of motion	
13			pictures and is therefore	
14			most knowledgeable on the	
15			process.	
16			Exhibit 10 ¶¶ 1-3.	
17		Exhibit 18;	Improper Opinion	S/O
18		Declaration of Belen Burditte¶ 6 "Even	(FRE 701) as to the	<i>D</i> / <i>O</i>
19		though it is very	statement "Even	
20		expensive for VXN, we are classified with	though it is very	
21		State Fund as a	expensive for VXN,	
22		Motion Picture Production Company	we are classified with	
23		because that is what	State Fund as a	
24		VXN does as a company. We create	Motion Picture	
25		motion pictures."	Production Company	
26			because that is what	
27			VXN does as a	
28			company. We create	
			11	

Case 2:23-cv-04901-W	/LH-AGR	Document 133-7 ID #:5496	Filed 01/10/25 Page 14 of 27 Page
1			motion pictures."
2			Whether or not
3			Defendants are a
4			Motion Picture
5			company is an open
6			legal question that
7			Ms. Burditte cannot
8			opine on. Per the
9			DIR, to determine the
10			primary purpose of a
11			company one must
12			use "common sense"
13			and look at the face
14			of the company, not
15			just look through
16			audits. Because it is
17			
18			an open legal  question as to the
19			nature of Defendants'
20			
21			company, Ms.
22			Burditte cannot opine as to this issue.
23			
24			2. Lacks Foundation:
25			Ms. Burditte has
26			provided not
27			documentation or
28			evidence to support

	Case 2:	23-cv-04901-WLH-AGR	Document 133-7 ID #:5497	Filed 01/10/25 Page 15 of 27 Page
KANE LAW FIRM 1154 S. Crescent Heights Blvd. Los Angeles, CA 90035	1 2 3 4 5 6 7 8 9 10 11 12	23-cv-04901-WLH-AGR		this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue. Additionally, Ms. Burditte has not established she is on set when Defendants are shooting their content, so she could not possibly know what goes on a daily basis and the type of company Defendants are.  3. Speculation (FRE
<b>/ FIRM</b> Heights Blvd. CA 90035	12			-
				Ms. Burditte has not
	14			established she is on
.AW] ent H¢ es, C/	15			set when Defendants
NNE I Cresco Angel	16			are shooting their
<b>KA</b> 54 S. Los	17			content, so she could
11				not possibly know
				what goes on a daily
				basis and the type of
				company Defendants
				are.
				3. Speculation (FRE
	24			602 and 402): Ms.
	25			Burditte speculates as
	26			to the nature of
	27			Defendants' work.
	28			She is not the CEO,
			1	3

Ca	se 2:2	3-cv-04901-WLH-AG	GR Document 133-7 ID #:5498	Filed 01/10/25 Page 16 of 27 Page
	1			
	2			CFO, COO, or any
	3			other individual who
	4			has any
	5			understanding of the
	6			inner workings and
	7			primary purpose of
	8			VXN Group. As
	9			such, any statement
	10			as to the nature of
	10			Defendants' business
	12			is pure speculation.
	13			R: Ms. Burditte is VXN's
	14			production accountant and
	15			is responsible for reporting
	16			to State Fund all financial
	17			information for VXN's
	18			productions and paying
	19			talent. Exhibit 18 ¶¶ 3-4,
	20			12, 16-18, 20. Excerpts
	21			from the audits are
	22			produced on Exhibit 19 and
	23			were timely produced
				during discovery to
	24			Plaintiff. Indeed, Ms.
	25			Burditte's entire declaration
	26			and exhibits were produced
	27			to Plaintiff on September
	28	L		to Figure 1 on September

Case 2:23-cv-04901-WLH-AGR	Document 133-7	Filed 01/10/25	Page 17 of 27	Page
	ID #:5499			

		13, 2024 prior to Plaintiff's	
		deposition of VXN's	
		corporate representative.	
		Exhibit 18.	
Plaintiff	Exhibit 18; Declaration of Belen Burditte¶ 13 "The State Fund audit reported that Mackenzie Thoma, among others, was properly classified as an actor. The State Fund audit also acknowledged that VXN's actors were paid on a 1099 basis."	4. Improper Opinion (FRE 701) as to the statement "Even though it is very expensive for VXN, we are classified with State Fund as a Motion Picture Production Company because that is what VXN does as a	S/C
		company. We create motion pictures."	
		Whether or not	
		Defendants are a	
		Motion Picture	
		company is an open	
		legal question that	
		Ms. Burditte cannot	
		opine on. Per the	
		DIR, to determine the	
		primary purpose of a	
		company one must	

use "common sense" and look at the face of the company, not just look through audits. Because it is an open legal question as to the nature of Defendants' company, Ms. Burditte cannot opine as to this issue.  5. Lacks Foundation: Ms. Burditte has provided not documentation or evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue. Additionally,	Case 2:	23-cv-04901-WLH-AG	GR Document 133-7 ID #:5500	Filed 01/10/25 Page 18 of 27 Page
and look at the face of the company, not just look through audits. Because it is an open legal question as to the nature of Defendants' company, Ms. Burditte cannot opine as to this issue.  5. Lacks Foundation: Ms. Burditte has provided not documentation or evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue.	1			use "common sense"
of the company, not just look through audits. Because it is an open legal question as to the nature of Defendants' company, Ms. Burditte cannot opine as to this issue.  5. Lacks Foundation: Ms. Burditte has provided not documentation or evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue. Additionally	2			
just look through audits. Because it is an open legal question as to the nature of Defendants' company, Ms. Burditte cannot opine as to this issue.  5. Lacks Foundation: Ms. Burditte has provided not documentation or evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue. Additionally	3			
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an open legal question as to the nature of Defendants' company, Ms. Burditte cannot opine as to this issue.  5. Lacks Foundation: Ms. Burditte has provided not documentation or evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue.  2. Additionally	5			
question as to the nature of Defendants' company, Ms. Burditte cannot opine as to this issue.  5. Lacks Foundation: Ms. Burditte has provided not documentation or evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue.	6			
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company, Ms. Burditte cannot opine as to this issue.  5. Lacks Foundation: Ms. Burditte has provided not documentation or evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue. Additionally	8			
Burditte cannot opine as to this issue.  5. Lacks Foundation: Ms. Burditte has provided not documentation or evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue. Additionally	9			
as to this issue.  5. Lacks Foundation:  Ms. Burditte has provided not documentation or evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue.  4 deditionally	10			
5. Lacks Foundation:  Ms. Burditte has provided not documentation or evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue Additionally	11			_
Ms. Burditte has provided not documentation or evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue Additionally	12			as to this issue.
provided not documentation or evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue Additionally.	13			5. Lacks Foundation:
provided not documentation or evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue Additionally	14			Ms. Burditte has
documentation or evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue Additionally	15			provided not
evidence to support this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue Additionally				documentation or
this contention. To date, none of these "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue Additionally				evidence to support
date, none of these  "audits" that are routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue. Additionally				this contention. To
20 21 22 23 24 25 26 27 27 28 29 20 20 20 21 20 21 20 21 21 22 22 23 24 25 26 27 26 27 27 28 29 20 20 20 20 21 20 21 20 21 20 21 21 22 22 23 24 25 26 27 27 28 28 29 20 20 20 20 20 20 20 20 20 20 20 20 20				date, none of these
routeinley mentioned have ever been produced, neither have any declarations from anyone not working for Defendants on this issue Additionally				"audits" that are
have ever been produced, neither have any declarations from anyone not working for Defendants on this issue Additionally				routeinley mentioned
produced, neither have any declarations from anyone not working for Defendants on this issue Additionally				have ever been
have any declarations from anyone not working for Defendants on this issue Additionally				produced, neither
from anyone not working for Defendants on this issue Additionally				have any declarations
working for Defendants on this issue Additionally				from anyone not
Defendants on this issue Additionally				working for
issue Additionally				
	28			issue. Additionally,

Ca	se 2:2	3-cv-04901-WLH-AG	R Document 133-7 ID #:5501	Filed 01/10/25 Page 19 of 27 Page
	1			No. Do Haral
	2			Ms. Burditte has not
	3			established she is on
	4			set when Defendants
	5			are shooting their
	6			content, so she could
	7			not possibly know
	8			what goes on a daily
	9			basis and the type of
	10			company Defendants
	11			are.
	12			6. Speculation (FRE
	13			602 and 402): Ms.
	14			Burditte speculates as
	15			to the nature of
	16			Defendants' work.
	17			She is not the CEO,
	18			CFO, COO, or any
	19			other individual who
	20			has any
	21			understanding of the
	22			inner workings and
	23			primary purpose of
	24			VXN Group. As
	25			such, any statement
	26			as to the nature of
				Defendants' business
	27			is pure speculation.
	28			

Case 2:23-cv-04901-WLH-AGR	Document 133-7	Filed 01/10/25	Page 20 of 27	Page
	ID #:5502			

1			R: Ms. Burditte is VXN's	
2			production accountant and	
3			is responsible for reporting	
4			to State Fund all financial	
5			information for VXN's	
6			productions and overseeing	
7			audits on behalf of VXN.	
8			Exhibit 18 ¶¶ 3-4, 12, 16-	
9			18, 20. Excerpts from the	
10			audits are produced on	
11			Exhibit 19 and were timely	
12			produced during discovery	
13			to Plaintiff. Indeed, Ms.	
14			Burditte's entire declaration	
15			and exhibits were produced	
16			to Plaintiff on September	
17			13, 2024 prior to Plaintiff's	
18			deposition of VXN's	
19			corporate representative.	
20			Exhibit 18.	
21   22	Plaintiff	Exhibit 18;	7. Improper Opinion	S/O
23		Declaration of Belen Burditte¶ 15 "That	(FRE 701) as to the	
23		audit took place on	statement "Even	
25		April 9, 2022 when an individual from the	though it is very	
26		Workers'	expensive for VXN,	
27		Compensation Insurance Rating	we are classified with	
28		Bureau of California (WCIRB) inspected	State Fund as a	
		<u> </u>	18	
	JOINT APPENDIX OF OBJECTIONS RE: DEFENDANTS' MSJ			

1	our California	Motion Picture
2	operations. They	
3	found the Motion Picture Production	Production Company
4	Company	because that is what
5	classification to be accurate."	VXN does as a
6	decurate.	company. We create
7		motion pictures."
8		Whether or not
9		Defendants are a
		Motion Picture
10		company is an open
11		legal question that
12		Ms. Burditte cannot
13		opine on. Per the
14		DIR, to determine the
15		primary purpose of a
16		company one must
17		use "common sense"
18		and look at the face
19		of the company, not
20		just look through
21		audits. Because it is
22		an open legal
23		question as to the
24		nature of Defendants'
25		company, Ms.
26		Burditte cannot opine
27		as to this issue.
28		as to this issue.

	Case 2:	23-cv-04901-WLH-AGR	Document 133-7 ID #:5504	Filed 01/10/25	Page 22 of 27	Page
	1			8. Lacks Fou	ndation:	
	2			Ms. Burdit		
	3			provided n		
	4			documenta		
	5			evidence to		
	6			this conter		
	7			date, none		
	8			"audits" th		
	9				mentioned	
	10			have ever		
	11			produced,		
Ġ.	12			_	leclarations	
KANE LAW FIRM S. Crescent Heights Blvd os Angeles, CA 90035	13			from anyo		
W FIRM Heights B CA 90035	14			working fo		
KANE LAW FIRM 1154 S. Crescent Heights Los Angeles, CA 9003	15			Defendant		
KANJ S. Cre os An	16			issue. Add		
1154 L	17			Ms. Burdit		
	18			established		
	19				Defendants	
	20			are shooting		
	21				she could	
	22			not possib		
	23			what goes		
	24			basis and t		
	25				Defendants	
	26			are.		
	27				n (EDE	
	28			9. Speculatio	III (FKE	
			2	0		

(	Case 2:	23-cv-04901-WLH-AGR	Document 133-7 ID #:5505	Filed 01/10/25 Page	23 of 27 Page
	1			602 and 402): M	S.
	2			Burditte speculat	
	3			to the nature of	cs as
	4			Defendants' work	le l
	5				
	6			She is not the CE	
	7			CFO, COO, or ar	
	8			other individual v	wno
	9			has any	
	10			understanding of	
	11			inner workings a	
	12			primary purpose	of
Blvd.	13			VXN Group. As	
KANE LAW FIRM S. Crescent Heights Blvd os Angeles, CA 90035	14			such, any stateme	ent
AW I ent He es, C⊿	15			as to the nature o	f
NE L Cresce Angele	16			Defendants' busi	ness
<b>KA</b> 1154 S. C				is pure speculation	on.
115	17 18			R: Ms. Burditte is VXN	l's
	19			production accountant a	and
	20			is responsible for report	ting
	21			to State Fund all finance	ial
	22			information for VXN's	
	23			productions and paying	
	24			talent. Exhibit 18 ¶¶ 3-	4,
				12, 16-18, 20. Excerpts	
	25			from the audits are	
	26			produced on Exhibit 19	and
	27			produced on Emilion 19	

were timely produced

21

22

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1			during discovery to	
2			Plaintiff. Indeed, Ms.	
3			Burditte's entire declaration	
4				
5			and exhibits were produced	
6			to Plaintiff on September	
			13, 2024 prior to Plaintiff's	
7			deposition of VXN's	
8			corporate representative.	
9			Exhibit 18.	
10				
11	Defendants <sup>1</sup>	Exhibit 50	O: Plaintiff failed to produce the document or evidence in	S/O
			response to Defendants'	
12			written discovery, so it should	
13			excluded under FRCP	
14			37(c)(1). <i>Merchant v. Corizon</i>	
15			Health, Inc., 993 F.3d 773, 740 (9th Cir. 2021).	
16	Defendants	Exhibit 51	O: Plaintiff failed to produce	S/O
	Defendants	Exilibit 31	the document or evidence in	3/0
17		Raphael Vedoyan's	response to Defendants'	
18		Declaration	written discovery, so it should excluded under FRCP	
19			37(c)(1). Merchant v. Corizon	
20			Health, Inc., 993 F.3d 773,	
21			740 (9 <sup>th</sup> Cir. 2021).	

<sup>&</sup>lt;sup>1</sup> Defendants received Plaintiff's portion of this Joint Appendix of Objections on January 6, 2025 at 7:53 p.m. In the ensuing week, Los Angeles experienced an unprecedented series of natural disasters, which forced Defense counsel to evacuate their offices and homes. Defendants are required under the Court's Standing Order for Motions for Summary Judgement to file this document no later than 4 days after receipt from Plaintiff, but it is unclear to Defendants when or how Plaintiff may respond to Defendants' objections to Plaintiff's evidence. Accordingly, Defendants will not object to Plaintiffs filing any responses to Defendants' objections on the same day that Defendants' Reply Memorandum is due on January 17, 2025.

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Defendants	Exhibit 54	O: Plaintiff failed to produce
		the document or evidence in response to Defendants'
		written discovery, so it should
		excluded under FRCP
		37(c)(1). Merchant v. Corizon
		Health, Inc., 993 F.3d 773,
		740 (9 <sup>th</sup> Cir. 2021).
Defendants	Exhibit 55	O: Plaintiff failed to produce
		the document or evidence in
		response to Defendants'
		written discovery, so it should excluded under FRCP
		37(c)(1). <i>Merchant v. Corizon</i>
		Health, Inc., 993 F.3d 773,
		740 (9 <sup>th</sup> Cir. 2021).
Defendants	Exhibit 56	O: Plaintiff failed to
Defendants	Exmon 30	produce the document or
		evidence in response to
		Defendants' written
		discovery, so it should excluded under FRCP
		37(c)(1). <i>Merchant v</i> .
		Corizon Health, Inc., 993
		F.3d 773, 740 (9th Cir.
		2021).
Defendants	Exhibit 57	O: Plaintiff failed to
Detendants	Exmort 57	produce the document or
		evidence in response to
		Defendants' written
		discovery, so it should excluded under FRCP
		37(c)(1). <i>Merchant v</i> .
		Corizon Health, Inc., 993
		F.3d 773, 740 (9th Cir.
		2021).
Defendants	Exhibit 58	O: Plaintiff failed to
		produce the document or
		evidence in response to

Case 2:23-cv-04901-WLH-AGR	Document 133-7	Filed 01/10/25	Page 26 of 27	Page
	ID #:5508		_	

		discovery, so it should excluded under FRCP 37(c)(1). <i>Merchant v.</i> <i>Corizon Health, Inc.</i> , 993 F.3d 773, 740 (9 <sup>th</sup> Cir. 2021).	
Defendants	Exhibit 59	O: Plaintiff failed to produce the document or evidence in response to Defendants' written discovery, so it should excluded under FRCP 37(c)(1). <i>Merchant v. Corizon Health, Inc.</i> , 993 F.3d 773, 740 (9th Cir. 2021).	S/O
Defendants	Exhibit 60	O: Plaintiff failed to produce the document or evidence in response to Defendants' written discovery, so it should excluded under FRCP 37(c)(1). <i>Merchant v. Corizon Health, Inc.</i> , 993 F.3d 773, 740 (9th Cir. 2021).	S/O
Defendants	Exhibit 66	O: Plaintiff failed to produce the document or evidence in response to Defendants' written discovery, so it should excluded under FRCP 37(c)(1). <i>Merchant v. Corizon Health, Inc.</i> , 993 F.3d 773, 740 (9th Cir. 2021).	S/O
Defendants	Exhibit 72 Thoma's	O: Plaintiff failed to produce the document or evidence in response to	S/O

(	Case 2:2	23-cv-04901-WLH-AGR Document 133-7 ID #:5509	Filed 01/10/25 Page 27 of 27 Page
	1	Declaration	Defendants' written
	2		discovery, so it should
	3		excluded under FRCP 37(c)(1). <i>Merchant v</i> .
	4		Corizon Health, Inc., 993
	5		F.3d 773, 740 (9 <sup>th</sup> Cir. 2021).
	6		2021).
	7	D . 1 I . 10 2025	L'ANE L'AW EIDM
	8	Dated: January 10, 2025	KANE LAW FIRM
	9		By: /s/ Brad Kane
			Brad S. Kane
	10		Attorney for Defendants
	11 12	Dated: January 10, 2025	BIBIYAN LAW GROUP, P.C.
31vd. 5	13		By: /s/ Rafael Yedoyan
I <b>RM</b> ghts 1 9003			Rafael Yedoyan
W FJ nt Hei S, CA	14		Attorney for Plaintiff
KANE LAW FIRM S. Crescent Heights Blvd os Angeles, CA 90035	15		
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1154 L	17		
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		JOINT APPENDIX OF OBJECTI	ONS RE: DEFENDANTS' MSJ